IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9778 of 2004

Between:
Smt. Ratnabai, W/o Jawahar Mal,
15-6-138, Kolsawadi, Begum Bazar, Hyderabad.
..... PETITIONER

AND

1 Transmission Corporation of A.P.Ltd, (A.P. Transco)
rep. by its Chief Managing Director, Vidyut Soudha,
Khairatabad, Hyderabad.
2 The Superintending Engineer, Assessment, The Central Power
Distribution Company of A.P. Ltd, (A.P. Transco) 3-6-184,
4th Floor, Urdu Galli, Himayatnagar, Hyderabad.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not transferring the proceedings pending before him pursuant to his Lr.No. SEA/Hyd/F.No. HS-109/D.No. 1938 dated 31-12-2003 as highly illegal arbitrary unjust and contrary to Section 49-C of the Indian Electricity (AP Amendment) Act, 2000 and Consequently direct the 2nd respondent to transfer the matter to the jurisdictional Tribunal constituted under the provisions of the Indian Electricity (A.P. Amendment) Act, 2000/Indian Electricity Act, 2003

Counsel for the Petitioner: Mr.D.V.NAGARJUNA BABU

Counsel or the Respondents: K. RAVINDRA KUMAR

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the non-transfer of the proceedings pending before the second respondent under the provisions of the Indian Electricity (A.P. Amendment) Act, 2000 (for short 'the Act'). These matters are to be dealt with by the Jurisdictional Tribunals constituted under the Act.

2. According to the petitioner even though such representation was made before the second respondent, the second respondent failed to act upon the said representation by transferring the proceedings pending before him to the Tribunal having jurisdiction to adjudicate upon such dispute. Hence, the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner placed a copy of the order of this Court in Writ Petition No. 7582 of 2004 dated 22.04.2004 where this Court at the admission stage allowed the writ petition directing the concerned respondent to transfer the proceedings pending before him to the special Tribunal having jurisdiction in terms of Section 49-C of the Act.

4. In that view of the matter, this writ petition is also allowed at the admission stage directing the second respondent to transfer the proceedings pending before him to the special Tribunal having jurisdiction in terms of Section 49-C of the Act, to adjudicate upon the issue in dispute.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

17.06.2004
va

One Fair copy to the Hon'ble Sri Justice S. Ananda Reddy (for his lordship's kind perusal)

To
1) The Chief Managing Director,
Transmission Corporation of A.P.Ltd, (A.P.Transco),
Vidyut Soudha, Khairatabad, Hyderabad.
2) The Superintending Engineer, Assessment, The Central Power Distribution Company of A.P. Ltd, (A.P. Transco) 3-6-184, 4th Floor, Urdu Galli, Himayatnagar, Hyderabad.
3) 2 CD copies